

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #9	CCRB Case #: 201802606	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/01/2018 9:25 PM	Location of Incident: In front of 159 Archer Avenue	Precinct: 103	18 Mo. SOL 10/1/2019	EO SOL 10/1/2019	
Date/Time CV Reported Tue, 04/03/2018 3:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 04/04/2018 8:20 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Lance Walter	30215	951417	103 PCT
2. POF Christina Anderson	03439	955717	103 PCT
3. An officer			103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Nathan Mole	04654	911121	103 PCT
2. POM Ryan Aloise	07458	963368	103 PCT
3. POM Sean Phillips	11911	953250	103 PCT
4. POM Michael Horan	18052	960679	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Lance Walter	Abuse: Police Officer Lance Walter stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POF Christina Anderson	Abuse: Police Officer Christina Anderson stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Lance Walter	Force: Police Officer Lance Walter pointed his gun at § 87(2)(b)	
D.POF Christina Anderson	Force: Police Officer Christina Anderson pointed her gun at § 87(2)(b)	
E. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
G.POM Lance Walter	Abuse: Police Officer Lance Walter frisked § 87(2)(b)	
H.POM Lance Walter	Abuse: Police Officer Lance Walter searched § 87(2)(b)	

Case Summary

On April 3, 2018, § 87(2)(b) § 87(2)(b) filed this complaint in-person at the CCRB on behalf of himself and § 87(2)(b) his wife.

On April 1, 2018, at approximately 9:15 p.m., § 87(2)(b) § 87(2)(b) was driving § 87(2)(b) home from the Jamaica Center - Parsons Archer Subway Station in Queens. § 87(2)(b) § 87(2)(b) is a § 87(2)(b). Police Officer Lance Walter and Police Officer Christina Anderson, both of the 103rd Precinct, stopped § 87(2)(b) § 87(2)(b) vehicle (**Allegation A: Abuse of Authority,** § 87(2)(g) **Allegation B: Abuse of Authority,** § 87(2)(g) PO Walter called a 10-85 over the radio, and multiple officers from the 103rd Precinct responded to the scene. PO Walter and PO Anderson pointed their guns at § 87(2)(b) King, Jr. (**Allegation C: Force,** § 87(2)(g) **Allegation D: Force,** § 87(2)(g) An officer spoke discourteously to § 87(2)(b) King, Jr. and § 87(2)(b) (**Allegation E: Discourtesy, officer** § 87(2)(g) **Allegation F: Discourtesy,** § 87(2)(g) § 87(2)(b) § 87(2)(b) (**Allegation G: Abuse of Authority, exonerated; Allegation H: Abuse of Authority,** § 87(2)(g) No summonses or arrests were effected. PO Walter and PO Anderson both generated Stop, Question and Frisk Reports (Board Review 01, Board Review 02).

Body Worn Camera footage from PO Walter and PO Anderson was obtained for this incident (Board Review 03, Board Review 04).

Findings and Recommendations

Allegation A — Abuse of Authority: Police Officer Lance Walter stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B — Abuse of Authority: Police Officer Christina Anderson stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.

The video clip shows the beginning of the vehicle stop conducted by PO Walter and PO Anderson.



WalterVS.mp4

It is undisputed that PO Walter and PO Anderson stopped § 87(2)(b) § 87(2)(b) s vehicle. It is also undisputed that § 87(2)(b) § 87(2)(b) 2005 Nissan Altima had license plate covers, which obscured the ability to read the vehicle's front and rear license plates. It is also undisputed that § 87(2)(b) § 87(2)(b) vehicle had window tints exceeding the legal limit, and that he has a New York State exemption for the window tints.

PO Walter said he was able to identify that § 87(2)(b) § 87(2)(b) window tints exceeded the legal limit upon observation from an obstructed view (Board Review 05). PO Walter could not read the license plate of § 87(2)(b) § 87(2)(b) vehicle due to the license plate cover.

PO Anderson's account is consistent with PO Walter's account regarding this aspect of the incident (Board Review 06).

Number plates must be kept clean and in a condition so as to be easily readable. NYS Vehicle and Traffic Law, Article 14, Section 402(b) (Board Review 07). Tinted windows must be limited to the amount that can block 30 percent on all vehicles built in 1992 or later. Vehicle and Traffic Law, Article 9, Section 375.12-a(b)(2) (Board Review 08).

The statements made by § 87(2)(b) § 87(2)(b) § 87(2)(b) PO Walter and PO Anderson were in affirming that § 87(2)(b) was operating a vehicle with window tints that exceeded the legal limit in New York State and a license plate cover that rendered the license plate unreadable

during this incident. § 87(2)(g)

§ 87(2)(g), § 87(2)(b)

Allegation C — Force: Police Officer Lance Walter pointed his gun at § 87(2)(b), § 87(2)(b)

Allegation D — Force: Police Officer Christina Anderson pointed her gun at § 87(2)(b), § 87(2)(b)

It is undisputed that § 87(2)(b) presented his § 87(2)(b) to PO Walter (Board Review 20). It is undisputed that PO Walter pointed his weapon at § 87(2)(b) and that PO Anderson unholstered her weapon. It is undisputed that other officers who responded to the scene pointed their weapons at § 87(2)(b) but that they did so based on the information provided by PO Walter and PO Anderson through their investigation (Board Review 16). It is undisputed that PO Walter began handcuffing § 87(2)(b) before Sgt. Mole arrived on scene.

Due to data limitations in Microsoft Word, the relevant clips could not be embedded into the closing report, but can be located in PO Walter's Body Worn Camera footage (Board Review 03). The video footage is largely consistent with all civilian and officer testimonies.

According to § 87(2)(b) when PO Walter approached his driver side window he immediately presented his § 87(2)(b) said he was "a federal agent with § 87(2)(b)" and that he had his firearm (Board Review 22). PO Walter asked for § 87(2)(b)'s driver's license and asked who the car was registered to, and § 87(2)(b) explained that it was registered to him and not his work car. PO Walter and PO Anderson walked back to the patrol car with § 87(2)(b) and driver's license. After a few minutes, PO Walter went over the loudspeaker and ordered § 87(2)(b) and § 87(2)(b) to put their hands out of the car windows, and multiple patrol cars responded to the vehicle stop. PO Walter ordered § 87(2)(b) to exit the vehicle, and as he did so, PO Walter yelled "He has a gun on him" and all officers on scene pointed their guns at § 87(2)(b). He yelled, "I'm a federal agent! I told you I was a fucking federal agent, why are you yelling at me to get on the ground?" § 87(2)(b) lied facedown on the street with his arms still outstretched, and an officer stood over him and pointed a gun at his head (Board Review 16).

§ 87(2)(b) statement is consistent with § 87(2)(b)'s (Board Review 23).

PO Walter and PO Anderson's statements are largely consistent with § 87(2)(b)'s. PO Walter was unable to verify § 87(2)(b) § 87(2)(b) as he didn't "have experience verifying that kind of ID." PO Walter did not ask § 87(2)(b) to exit his vehicle or remove his firearm because he "wanted to run a little bit of my investigation before" and to "get more officers there before we pull them out, for everyone's safety." PO Walter explained that there was a Robbery Pattern involving criminal impersonation of police officers in the 103rd Precinct (Board Review 21) which PO Anderson accessed and reviewed in the RMP (Board Review 04). § 87(2)(a) 160.50

PO Walter explained that he would have had to open another program to access that who the 61 reporter and perpetrator was, but he did not conduct this search before calling a 10-85 for assistance. When backup arrived, PO Walter said, "He's got a gun" to other officers on scene, who pointed their weapons at § 87(2)(b) Jr. PO Walter and PO Anderson pointed their weapons at

§ 87(2)(b) because it was procedure for a “felony car stop.” When asked why PO Walter believed that § 87(2)(b) s § 87(2)(b) was illegitimate, he cited those factors, in addition to a smell of marijuana emanating from the vehicle, police paraphernalia in § 87(2)(b) s vehicle (including raid jackets and handcuffs) and that § 87(2)(b) was not exhibiting “usual behavior for a police officer” which would be “full compliance,” superficially not being “irate.” PO Walter did not mention that he smelled marijuana to his partner, his supervisor, or any other officer during this incident. PO Walter and PO Anderson did not articulate that they feared for their safety. At the conclusion of the incident, PO Walter and PO Anderson further reviewed the UF61 information in the RMP terminal and then saw that § 87(2)(b) listed as the reporter, not the perpetrator, of the UF61 for criminal impersonation of a police officer, and this moment is captured on their BWC (Board Review 03, Board Review 04).

PO Walter’s UF250 narrative is as follows: “At TPO officers conducted a car stop on a light-colored Nissan Maxima four door sedan which had all four windows tinted, a plate cover, and light blue signal lights. Upon conducting a car stop, officers noticed that the vehicle had jackets on the back of the driver and passenger seats that read “Police” on the back of them. Officers also observed a light package above the driver’s seat as well as handcuffs in the center of the vehicle by the gear shift. A computer check of vehicle was conducted, and did not return to any government-issued vehicle. Officers determined that the vehicle and suspect matched the description of a recent robbery/shooting pattern that involved criminal police impersonation. Additional officers responded, and suspect was ordered to exit vehicle, briefly handcuffed, and had firearm removed from his person pending further investigation. Upon supervisor arrival, suspect was properly identified, and was explained the reason for the stop.” PO Walter lists § 87(2)(b) comment in “Remarks Made by Person Stopped” as “Nobody cares about the robberies, I told you who I was and can show several IDs.”

The investigation determined that none of the factors present in the Robbery Pattern (Board Review 21) that PO Walter and PO Anderson viewed in connection with their investigation matched § 87(2)(b) § 87(2)(b) or the vehicle they were in, and that PO Walter’s assertion in his UF250 that “officers determined that the vehicle and suspect matched the description of a recent robbery/shooting pattern” is incorrect. The Robbery Pattern listed a description of a 6’5” black male driving either a purple Nissan Maxima or black Crown Victoria. § 87(2)(b) is a 5’4” black male who was driving a gray Nissan Altima. The investigation determined that PO Walter and PO Anderson took no steps to verify § 87(2)(b) status as a § 87(2)(b)

Officers may draw their firearms when they have an articulable belief that the potential for serious physical injury is present, according to Patrol Guide 221-01 (Board Review 18). According to Patrol Guide 212-36, when an officer responds to an incident with the potential for a confrontation involving a federal law agent authorized to carry a weapon, they must ascertain the identity of the law enforcement agent involved (Board Review 19).

§ 87(2)(g), § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b) immediately told PO Walter that he was a federal agent, and PO Walter took no steps to verify § 87(2)(b) status as a federal agent, even though he was presented with his § 87(2)(b) on the back of which are detailed steps for verify the owner’s identity (Board Review 22). The investigation discredits the officers’ assertion that the odor of marijuana was present, as it is unmentioned in both the Body Worn Camera footage and the UF250. PO Walter and PO

Anderson did not have a reasonable belief that the potential for serious physical injury was present, as § 87(2)(b) volunteered the presence of his firearm, and complied with every request and command of the officers. § 87(2)(g), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation E – Discourtesy: An officer spoke discourteously to § 87(2)(b) § 87(2)(b)

Allegation F – Discourtesy: An officer spoke discourteously to § 87(2)(b)

The video clip of PO Walter’s Body Worn Camera captures PO Walter and an unidentified officer approaching § 87(2)(b) after he exits the vehicle. Out of frame, the unidentified officer can be heard saying, “Get on the fucking ground” (Board Review 14).



Discourtesy.mp4

§ 87(2)(b) § 87(2)(b) said that after backup arrived, an officer told him, “Get the fuck out of the car! Put your hands up and get the fuck out the car.” § 87(2)(b) § 87(2)(b) misidentified this officer as not being PO Walter and described him as a white man of average height, and there were over ten white male officers on scene.

§ 87(2)(b) § 87(2)(b) said that the same officer who used profanity against § 87(2)(b) § 87(2)(b) told her, “Shut up and get out the fucking car.” § 87(2)(b) § 87(2)(b) provided a photo of the officer (Board Review 10), who was positively identified as PO Aloise.

According to PO Aloise, he was Sergeant Mole’s operator and arrived on scene when § 87(2)(b) King, Jr. was already in handcuffs, and denied speaking to either § 87(2)(b) § 87(2)(b) or § 87(2)(b) § 87(2)(b).

PO Walter did not recall if PO Aloise or any other officer said, “Get the fuck out of the car” to § 87(2)(b) § 87(2)(b) and could not identify the officer in the photo § 87(2)(b) § 87(2)(b) provided.

PO Anderson’s and PO Aloise’s statements were consistent with PO Walter’s. PO Aloise denied speaking with § 87(2)(b) § 87(2)(b) or § 87(2)(b) § 87(2)(b) during this incident (Board Review 11). When presented with the photo and video, PO Aloise, PO Anderson and PO Walter were all unable to identify the officer.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation G – Abuse of Authority: Police Officer Lance Walter frisked § 87(2)(b) § 87(2)(b)

Allegation H – Abuse of Authority: Police Officer Lance Walter searched § 87(2)(b) § 87(2)(b)

It is undisputed that PO Walter frisked and searched § 87(2)(b) § 87(2)(b) on the ground after ordering him to exit the vehicle, specifically removing § 87(2)(b) § 87(2)(b) firearm from his holster and two knives from his pants pockets.



FriskSearch.mp4

An officer may frisk an individual when he reasonably suspects the individual is armed. An officer must have probable cause to believe a person has committed, is committing, or is about to commit a crime to perform a search of a person. People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 15).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- PO Walter has been a member of service for seven years has been a subject in five CCRB complaints and six allegations, none of which were substantiated.
 - Case #201503630 involved a physical force allegation. The Board closed the case as unsubstantiated.
 - Case #201702769 involved a gun drawn allegation. The case was closed as complaint withdrawn.
 - Case #201707583 involved discourtesy and abuse of authority allegations. The Board closed the case as unsubstantiated and noted Other Misconduct for providing a false official statement to the CCRB.

- PO Anderson has been a member of service for five years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- On May 18, 2018, this case was sent to mediation and on June 1, 2018 the case was returned to investigation as the complaint was no longer suitable for mediation.
- On June 19, 2018, § 87(2)(b) and § 87(2)(b) filed a Notice of Claim with the NYC Comptroller's Office website (Board Review 12) § 87(2)(a) Gen.Mun. §50-H(3)
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date